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LANDMARK PRESERVATION

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LANDMARK PRESERVATION

by JOHN S. PYKE, JR.

Landmark Preservation is one of a series of pamphlets published by the Citizens Union Research Foundation, Inc. of the City of New York. The Foundation's purpose is to present informally and in a general, non-technical way the essentials of a contemporary urban problem. For a list of other publications, see the inside back cover.

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1. Why Preserve Landmarks?

John Steinbeck in *The Grapes of Wrath* described a group of tenant farmer wives in Oklahoma who were picking over their meagre possessions, trying to decide what few things they might take with them on the long journey to California:

The women sat among the doomed things, turning them over and looking past them and back. "This book, my father had it. He liked a book. Pilgrim's Progress. Used to read it. Got his name on it, right here. Why, here's his pipe—it still smells rank. . . . Think we could get this China dog in? Aunt Sadie brought it from the St. Louis Fair. See—it says right on it. No, I guess we can't take that. Here's a letter my brother wrote the day before he died. Here's an old-time hat. These feathers—I never got used to them. No, there isn't room. . . . How can we live without our lives? How do we know it is us without our past?"

Our lives are enriched by reminders, personal and public, of our past. Those grand old buildings which we call landmarks are an important part of our public past.

What is a Landmark?

Functionally, a landmark can be almost anything, from a simple stone boundary marker to a tall coastal beacon erected to guide ships into port. Figuratively, a landmark is a special something, usually fixed in place like the Brooklyn Bridge or Bunker Hill, which marks a stage or turning point in history, science or art.

A city's landmarks, by and large, are structures. To qualify as a landmark the structure must be endowed with a special value to the community that transcends function. This value may exist for any number of reasons: an accident of history, felicity of style, unusualness in structure,



Grand Central Terminal in New York City offers a contrast in style and size with the newer office towers surrounding it.

materials or workmanship, attractiveness of setting, or nostalgia. A building which fulfills all these criteria is New York City's Grand Central Terminal. Described by *The New York Times* in a 1967 editorial as a "free-standing piece of superb classic eclectic sculpture," its architectural, historical and nostalgic value to Americans and New Yorkers is heightened by its location. All traffic in the area, pedestrian and vehicular, seems to flow toward it, symbolizing the building's function as the Eastern terminus of a nationwide complex of railroads and the hub of a network of subways. Situated in the middle of Park Avenue, Grand Central offers an esthetic and functional contrast to the more modern brick, glass and aluminum commercial towers that surround it.

Traditionally landmark preservationists focused their attention on a structure because it was linked with an historic event or person or because it had singular architectural merit. Colonial Williamsburg, the painstakingly restored former capital of England's oldest colony in North America, represents the full flowering of this tradition. Today, however, preservationists are widening their scope to include significant commercial and industrial structures, districts with striking mixtures of design, groups of individually undistinguished buildings which reflect a particular period or style of living, and assorted buildings which, while not important historically or representative of a period, are worth saving for the extravagance, humor or eccentricity that went into their creation.

The Williamsburg approach to landmark preservation is not capable of widespread and general application. In most communities only a few landmarks significant enough to warrant preservation can support themselves as historical museums. Most landmarks must be adapted to other uses than a public exhibition place if they are to be preserved. Architecture critic Walter Muir Whitehead has warned that "we cannot crystallize or pickle the past, nor can we, where there is vigorous life in the community, turn back the clock as it was possible to do, through a combination of hardly-to-be-repeated circumstances, in Williamsburg."

Also, it might be noted that restoring an old village or building in the twentieth century produces the curious result that the village or building is recreated as it never was. Restored Williamsburg is marked by paved automobile roads, endless signs and plaques, a glut of over-elaborate furniture and the Williamsburg Inn, created out of whole cloth to service the tourist trade.

The advantage of the continued use of a landmark as a library or restaurant or whatever, aside from the practical one of meeting the maintenance costs, is that it will be a working, functional center of community activity, enriching the life of each person who passes by or enters during the course of his daily business.

Benefits of Landmarks

Landmarks impart distinctive character to a city. Try to imagine Washington, D.C., without its monuments, New Orleans without its French Quarter or Charleston without its ante-bellum homes. Embodying each city's past and its heritage, landmarks contribute to its present environment and worth.

To the citizens of the municipality, landmarks are objects of civic consciousness and pride. Reminders of past accomplishments and aspirations, they function as powerful antidotes to the impersonality, rootlessness and apathy which municipal bigness often brings. In recognition of this important function, Congress in 1935 established the preservation of landmarks as a national policy. When reaffirming this policy in 1966, Congress declared: "... the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people."

Landmarks serve important educational functions. One is the inspiration of patriotism, as when the residents of Plymouth, Massachusetts, hauled the famous Rock from its shorebed to the base of a liberty flagpole in the town square in order to use it to recruit soldiers for the army of

The Cleveland Arcade, built in 1890, is a cavernous enclosure that joins two 10-story office buildings. Because of the many small shops on its lower floors, the Arcade is considered a forerunner of the department store.



the American Revolution. Another is the teaching of history. After a tour of Monticello a visitor not only will understand more completely Thomas Jefferson, the man, but also will grasp more fully the philosophy and aspirations of the men who molded the nation in its formative years. Historic landmarks tell more vividly than words how our forefathers lived, worked and relaxed.

Landmarks of architectural merit without strong historical associations also have substantial educational value. They serve as outdoor museums for architect and layman alike to study at any hour of the day in any light and from any angle. Some like Cleveland's Euclid Arcade are design masterpieces in themselves; others stand as manifestations of the style of a prior period. Many architecturally notable landmarks were created primarily to please the eye; in our materially-oriented culture we ought to relish and preserve those structures in our midst built to esthetic rather than budgetary standards.

Architectural landmarks establish design and cultural standards to instruct and challenge generations of admirers and critics. New York's Guggenheim Museum is an example of such a building; its "good" and "bad" features have provoked extensive rethinking about the function of an art museum and the proper way to display a painting. Still others, such as the Trans World Airlines Terminal at John F. Kennedy Airport in New York or the Supreme Court Building in Washington, convey the spirit of the activity they contain.

Economic Benefits of Landmarks

The economic dividends which landmarks bring to a neighborhood are frequently overlooked, often by the very persons who would destroy them in the name of economy. In commercial districts, for example, the benefits may derive from the type of activities housed by the landmarks or the kinds of people they attract. In residential areas, landmarks often set the style and tone of community life which in turn determines property values, assures a solid tax base and prevents the encroachment of urban blight. In historic districts landmarks generate tourism, a profitable industry that requires only moderate investment and maintenance to produce a high return.

One commercial neighborhood which recently came to realize how much it depended upon a local landmark is the Carnegie Hall district in New York City. The City's premier concert hall since 1891, Carnegie Hall has spawned a variety of small shops, restaurants and businesses that cater to its patrons. In addition, it has generated the presence of rehearsal studios and recital rooms and attracted music-loving tenants to nearby apartment

buildings. While symbolizing America's finest musical traditions, Carnegie Hall also functions as a lively and vital center of a thriving neighborhood.

The construction of Lincoln Center for the Performing Arts during the late 1950's made the venerable Carnegie Hall expendable and its owners subsequently announced their intention to raze the historic hall and replace it with a modern office tower. A modified Italian Renaissance structure of no surpassing architectural importance (although it does have remarkable acoustical qualities), it had become grimy without and well worn within and desperately needed refurbishing. Given the economics of mid-town Manhattan, Carnegie Hall's owners were undoubtedly correct in asserting that they could realize more income from a commercial building located on the same site. From a broader perspective, however, the destruction of Carnegie Hall was uneconomical for both New York City and the neighborhood, for it would cause the closing of scores of local businesses that depended on the continued presence of the concert hall.

The area's businessmen and landlords joined the chorus of protest and at the last possible moment the landmark was saved when a quasi-public corporation purchased it. Since its rescue and renovation, it has maintained its pre-eminence as a concert hall, providing New Yorkers and visitors with an alternative to the music programs offered by the newer Lincoln Center. It also continues to be an invigorating influence in a neighborhood of diverse uses. Among the reasons Carnegie Hall won a reprieve from its death sentence was the realization by the owners of businesses and the landlords in the area that its existence safeguarded and promoted the unique economy and substantial property values of the neighborhood.

For some communities landmarks become the catalyst for an economic revival. A group of Richmond, Virginia, citizens has provided dramatic evidence of this fact through their efforts to reclaim and restore homes in the historic Church Hill area of Richmond, which had been struck by urban blight following World War II. Through the Historic Richmond Foundation they have collected funds, purchased and restored houses, set standards governing restoration and the use of restored properties, and worked to secure passage of a historic district zoning ordinance.

The results of their efforts are easily demonstrated by a comparison of changes in the assessed values of two neighboring blocks of homes in the Church Hill district, one restored and one unrestored, over a five-year period. The north side of the 2300 block of East Grace Street included seven restored homes with an aggregate assessed value in 1958 of \$41,010. By 1963 that valuation had risen to \$96,900. In contrast, the north side of the 2500 block of the same street included nine homes, only one of which was restored, with a total assessed value in 1958



A model of the proposed South Street Seaport. Many of the buildings and several sailing ships have already been acquired.

of \$44,280. By 1963 the valuation of these nine homes had only increased to \$52,000.

Other cities—Savannah, Annapolis, Charleston, Georgetown and Columbus, Ohio, to name a few—have discovered that the preservation and restoration of a downtown district of old residences can produce very substantial economic benefits. The Historic Savannah Foundation published statistics in 1968 documenting the economic boom that occurred when the Foundation undertook the restoration of several down-at-the-heels districts in Savannah. In a brief period of five years the Foundation directly improved approximately 150 property units and by its example and influence caused more than 200 property units to be improved by others. As a result, the Foundation's restoration projects benefited from total investments of \$1,500,000 by the Foundation and \$3,210,000 by private investors; the other restoration projects attracted more than \$4,500,000 in capital commitments; the restoration work generated \$4,500,000 in increased personal income and buying power; the construction industry and related businesses thrived; and the City and the County experienced increased tax revenues. Moreover, Savannah looks forward to realizing \$120,000,000 in tourism potential in the next four years.

Landmarks and historic districts are attracting more and more tourists, who make substantial contributions to the local economy. As an example of the profits that tourism can bring, the New York Convention and Visitors Bureau reported that during the year 1968 16.5 million visitors, almost 3 million of which were convention delegates, came to New York and spent \$1.5 billion, making tourism the second largest industry in the City. Moreover, in addition to producing thousands of jobs, the tourists generated \$15 million in additional municipal taxes.

So promising is the future of tourism in New York City that a private, non-profit organization, the South Street Seaport, is investing heavily in a colorful but

crumbling waterfront site in lower Manhattan, just off Wall Street, in order to restore it to its former condition as the City's maritime center. They have developed an ambitious project to transform the neglected six-block area into an "old New York" neighborhood of restored buildings, shops, restaurants, a hotel, a maritime museum and several piers with historic ships moored alongside. In order to create this recreational and cultural center the project has enrolled over 5,000 individual members and secured the backing of the shipping industries, the business community and local residents and merchants.

Although the South Street Seaport project is sponsored by New York State and the City of New York, it is privately financed and managed. The City, which has designated the area as an urban renewal project, will use its power of eminent domain to purchase the buildings and land. The project's private sponsors will then refund the money in full and undertake the restoration. Private operators will lease the restored buildings and run the businesses and activities planned for the area.

Carnegie Hall, Richmond, Savannah and the South Street Seaport provide evidence that whether one land-

Completed in 1891, the St. Nicholas Historic District in Harlem remains one of New York City's most handsome neighborhoods.



mark or an entire district of buildings is preserved, the community can realize significant dollars-and-cents benefits. Its treasured old buildings are rehabilitated and its neighborhoods revitalized. As a neighborhood becomes a more attractive place to live or work, property values and tax revenues increase, bringing a concomitant improvement in public services ranging from police and fire protection to retail stores and restaurants. From the point of view of the city and the citizen, preservation can make a great deal of economic sense.

Intangible Benefits of Preservation

The idea that preservation of landmarks can be a positive force for improving the quality of life in the modern American city has received too little attention. Landmarks which are being used and maintained set standards of excellence while at the same time contributing to the economic and social life of the community.

In slum and blighted neighborhoods the preservation and restoration of buildings of high quality and distinction has a special impact, providing strong incentive to self-improvement and self-respect among local residents. Preservation activities such as the formation of a block association to preserve the character of an old row of houses or the organization of a clean-up and paint-up campaign can lead to rejuvenation of these neglected areas. Moreover, slum neighborhoods are often those areas where old buildings, many having architectural, esthetic or historical merit, abound. As an example, some of New York City's most distinguished townhouses are located in the St. Nicholas Historic District in Harlem. When the New York City Landmarks Preservation Commission designated the District as an historic district in March, 1967, it observed that the four block-fronts, designed by three of the most prominent architectural firms of the day (including McKim, Mead and White), were "an outstanding example of Nineteenth Century urban design." Today the well maintained houses in the District, situated on tree-lined streets within view of dilapidated tenements, reflect the pride of their residents.

Neighborhood Landmarks

In every city there are many buildings which do not have the unimpeachable historical associations of Philadelphia's Independence Hall or the singular architectural distinction of New York's City Hall but which nonetheless merit preservation because they add character and quality to the urban scene. These "lesser landmarks" are worth saving, not because they recall some great moment

in history or architecture, but because they stabilize, civilize and enrich their environment.

Jefferson Market Courthouse. An example of such a landmark is the Jefferson Market Courthouse in New York's Greenwich Village. Although voted one of the ten most beautiful buildings in the United States when it was completed in 1877, the Courthouse is regarded today by most taste-setters as a homely relic. The architecture critic for *The New York Times* recently described it as "an overpowering pile of turrets and gables in polychromed brick" and labelled it "a structure of awkward Victorian grotesquery." Yet Greenwich Villagers look upon it as they would on an eccentric but lovable relative. Visually interesting and dramatically different from its surroundings, it expresses something of the personality of the neighborhood. Located on an island at the junction of an avenue and two streets, it also provides a primary orientation point for those visiting, working or living in the neighborhood. In 1967 New York City put it to use again by converting it to a branch library, thereby dimaxing a dedicated citizen campaign to save "Old Jeff," as it is affectionately known to Village residents.

The ungainly Jefferson Market Courthouse, one of Greenwich Village's most beloved landmarks, now houses a branch of the New York Public Library.



The Challenge

The heedless and rapid eradication of old buildings in our cities boggles the imagination. Landmarks such as Carnegie Hall continually face the threat of destruction as the American city, like some great organism constantly renewing itself, replaces its older, less efficient and less profitable buildings with newer structures. This process was summed up several years ago in a *Saturday Review* cartoon which pictured two helmeted workmen who, in the course of demolishing an office building, have just broken open the cornerstone bearing the date "1952." One workman is reading a scroll taken from the cornerstone: "To you children of history, who on some far-distant day down the dim dark corridors of time, may breach this stone . . ."

Landmarks need to be recognized as civic assets which deserve public support along the same lines as an opera company or a baseball team. As civic assets, however, landmarks are distinguishable from opera companies and baseball teams by the fact that once gone, they cannot be replaced. As an example, if ever a ball club perfectly embodied the spirit of its local rooters, it was the old Brooklyn Dodgers. Yet when the Dodgers moved to Los Angeles, they were replaced in spirit at least by the New York Mets. The loss of a landmark, on the other hand, is irretrievable. Once demolished, it has disappeared forever. No one will duplicate Frank Lloyd Wright's Larkin Building in Buffalo or his Imperial Hotel in Tokyo or the iron cage of New York City's Pennsylvania Station; those cities are poorer for the loss.

The Delicate Balance

As an abstract concept, the preservation of landmarks is a desideratum with which no one would quarrel. Yet the implementation of preservation principles and programs frequently meets stiff opposition from real estate interests and landmark owners. Economic considerations often counterbalance a concern with preservation.

One serious objection to implementing a preservation program is its price tag. The individual landmark owner or the local, state or federal governments, or a combination of the private and public sectors, will have to bear a heavy economic burden under any preservation program. Maintenance of a landmark in a manner which preserves its character can be costly. Landmark restoration, which requires special skills and attention even where past care has been good, is an expensive proposition. For example, the conversion of the Jefferson Market Courthouse to a public library in New York City in 1967 cost about \$1.3 million, twice as much as it would have cost to build a new structure with equivalent facilities.

Some scheme to afford a measure of compensation to landmark owners who are asked to dig into their own pockets for the good of the community should be an integral part of any preservation program.

Intertwined with the problem of the cost of a preservation program is the problem of the landmark owner's property rights. Any effort to preserve a landmark, short of outright purchase from the owner, will involve to some extent an infringement on the owner's right to use the property as he sees fit. For example, the owner of a New York City brownstone may have to forego an opportunity to put his property to a more profitable use by replacing it with a high-rent apartment building. Adjusting the public's interest in preservation to the landmark owner's property interests constitutes one of the most delicate and critical problems in the preservation field.

2. The Landmarks Preservation Movement

*"Today there is a great awakening of interest in history and things historical. The American public is becoming proud of its heritage. Whether it is the fact that a period of prosperity is giving us more leisure time to pursue cultural interests, or whether we are simply coming of age as a nation, is hard to say. Whatever the case may be, the fact is that historical sites, old buildings, forts, covered bridges, and other visible manifestations of our past way of life are enjoying an unprecedented degree of attention from the public at large." Alan Burnham in *New York Landmarks* (1963).*

The awakening of interest in things historical should not obscure the fact that a lively concern for conserving our historical and architectural heritage has existed for the last 100 years. As the number of buildings surviving from an earlier period has diminished, organized efforts to preserve historically and architecturally valuable buildings have naturally increased.

Beginnings

The father of our country may also be said to be, indirectly, the father of the landmarks preservation movement. One of the movement's earliest successes in the United States came in 1850 when New York State acquired Hasbrouck House in Newburgh as a public museum at a cost of \$8,391.02. Hasbrouck House had been General Washington's headquarters during the last two years of the Revolutionary War; it was there that General Washington, while awaiting word that the British had capitulated,



The Old South Meeting House in Boston, built in 1789, was one of the first urban landmarks to be saved by a public appeal for funds.

lated, spurned the suggestion that he become the new nation's "King."

In 1853 the Mount Vernon Ladies Association, the first preservation organization in this country, was founded to purchase and maintain George Washington's home on the Potomac. With privately raised funds the Association acquired title to the property in 1858 after both the federal government and the Commonwealth of Virginia had refused to purchase it. For more than a hun-

dred years the Mount Vernon Ladies Association has continued to maintain the landmark and its success has stimulated countless other preservations throughout the country.

The urban wing of the preservation movement got its start with the campaign to save the Old South Meeting House in Boston. While officially a Congregational Church, the Old South Meeting House also had functioned as a public meeting house since its construction in 1729. It was the site of many historically important gatherings, including the boisterous political meetings leading up to the Boston Tea Party in 1773.

After the Church's congregation deserted the structure in 1875, it was sold at auction for commercial purposes following unsuccessful attempts to sell it to the Massachusetts Historical Society. Demolition workers were actually on the premises when a postponement of the demolition work was obtained. A public meeting to discuss the building's future was hurriedly called and those who attended were urged to preserve this visible reminder of Boston's proud past. Committees quickly formed to purchase the building and the site. Through contributions, both large and small, and a mortgage taken by a local insurance company, a dramatic rescue was effected. Over the years the mortgage was paid off by holding a variety of events in the building, including lectures, fairs and political and social functions.

The preservation movement took its most spectacular turn in 1926 when John D. Rockefeller, Jr. decided to

preservation that has captured the public imagination.

In 1929 Henry Ford embraced the Williamsburg approach of creating an open-air museum by establishing Greenfield Village, a make-believe town formed by moving over 100 reconstructed and restored seventeenth, eighteenth and nineteenth century buildings to a site in Dearborn, Michigan. Other village restoration and reconstruction projects include Old Sturbridge Village in Massachusetts, Schoenbrunn Village in Ohio and New Salem State Park in Illinois.

Many cities have recognized the opportunity for applying the broad vision of the planners of village restoration projects to the preservation of urban historic districts. The City of Providence, Rhode Island, made a major contribution to the methodology for planning the preservation and renewal of areas of historic architecture with the publication of its College Hill Demonstration Study in 1959. Funded in part by the federal government, the College Hill Study provided a useful example of how public and private planning might be coordinated.

Federal Government Preservation Activities

In 1889 Congress authorized the preservation of the Casa Grande National Monument, located in Gila Valley, Arizona, as part of an archeological reservation. This four-story tower of packed earth, constructed by the Hohokam



Detail from the frieze on the exterior of the Pension Building in Washington, D.C. The frieze, which is 1200 feet long and runs continuously around the building, depicts units of the Union forces in the Civil War.

undertake the complete restoration and reconstruction of an entire town, Colonial Williamsburg. By 1969 almost 80 million dollars had been spent to restore more than 80 major structures and reconstruct 45 others. The work is still proceeding.

By recreating a town at the finest period of its history and operating it solely as a museum, the Williamsburg preservationists popularized an approach to landmarks

Indians over six hundred years ago, was the first landmark designated by the federal government.

Any constitutional objections to the federal government's participation in the preservation movement were ended in 1896, when the Supreme Court upheld its power to acquire and preserve the Gettysburg battlefield as an historic park at public expense.

Congress passed the first preservation statute just after



Detail from the Pension Building frieze.

we entered the twentieth century; the Antiquities Act of 1906 gave the President authority to establish monuments on government owned land. Prior to 1966, however, Congress acted only sporadically in the preservation field, creating the National Park Service in 1916, enacting the Historic Sites Act of 1935, establishing the National Trust for Historic Preservation in 1949 and under the Housing Acts of 1961 and 1965 authorizing the expenditure of federal monies in urban renewal programs for preservation purposes.

The resources and prestige of the federal government were dramatically pledged to the landmarks preservation movement in 1966. In that year the 89th Congress enacted three statutes creating preservation programs on the federal level and thereby earned the sobriquet of "The Preservation Congress."

Not only have these statutes brought a fresh promise of governmental aid to the preservation field but also they have stimulated increased preservation activity in the private sector.

The major piece of preservation legislation enacted in 1966 was the Historic Preservation Act of 1966¹, which defined the scope of the national preservation policy and set three programs in motion. Taking note of existing governmental and private historic preservation programs and activities, Congress declared them "inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation," and found it both necessary and appropriate for the federal government to accelerate its preservation activities. It authorized an expanded National Register to serve as a record and index to the "districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture."

The 1966 Act also created an Advisory Council on Historic Preservation, which was charged with the following responsibilities:

- (a) As an advisory body, it would advise the President,

Congress, federal, state and local agencies and private institutions and individuals on matters relating to historic preservation, including historic preservation legislation;

- (b) As a body of experts, it would recommend measures to coordinate preservation activities at all levels of government and at the private level; it would also recommend studies in such areas as the adequacy of present legislation and administrative regulations relating to historic preservation and the effects of tax policies at all levels of government on historic preservation; and
- (c) As a public relations agency, it would encourage public interest and participation in historic preservation and encourage training and education in that field.

Finally, Congress in the Historic Preservation Act of 1966 authorized the Secretary of the Interior to make grants and matching grants-in-aid to the states and to the National Trust for Historic Preservation for a variety of preservation projects.

The Demonstration Cities and Metropolitan Development Act of 1966² empowered the Department of Housing and Urban Development to make matching grants to public agencies of up to half of the cost of acquiring, restoring and improving sites, structures and areas of historic and architectural value in urban areas. This historic preservation grant program, which makes federal funds available for the basic preservation activities of acquisition and restoration of structures, complements the open-space land and urban beautification programs, which provide more limited assistance to historic preservation projects. In addition the Department was authorized to make urban planning grants to cities or municipalities for surveys of structures and sites having historic or architectural value and to make grants for historic demonstration projects.

1. 16 U.S.C. §470 (1966).

2. 42 U.S.C. §§3303-74 (1966).

The Demonstration Cities Act of 1966 also authorized the Department of Housing and Urban Development to include preservation activities and the planning for such activities as eligible urban renewal project costs. Thus, as part of an urban renewal plan, a locality can acquire and restore properties with special historic or architectural value in a designated project area. It can also relocate within or outside the project area structures which will be restored and maintained for architectural or historic purposes if the original site is needed to achieve other objectives of the urban renewal plan.

The Transportation Act of 1966 provided statutory protection for historic sites threatened by highway construction by enjoining the Department of Transportation not to approve any federal highway program unless it includes planning to minimize harm to historic sites. The Federal-Aid Highway Act of 1968 modified this provision to allow state and local officials a voice in the decision as to where the highways will be located and what constitutes a historic site.

These recently enacted laws enable the federal government to play a significant role in the landmarks preservation movement. Whether it will be a major or a supporting role will depend on the amount of funds appropriated and the development of programs.

The federal government's principal preservation programs are summarized in the Appendix.

The federal government continues to have responsibility for preserving and protecting federally owned sites and buildings of historic, architectural or cultural significance for every citizen to enjoy.

National Trust for Historic Preservation

The first truly national preservation organization, the National Trust for Historic Preservation, received its charter from Congress in 1949 when the United States,

feeling the first chills of the Cold War, was seeking to reassert its pride in its national institutions and history. Founded as a private non-profit corporation, the National Trust was given three missions: 1) to further the purposes of the Historic Sites Act of 1935, which declared preservation of historic sites, buildings and objects to be a national policy; 2) to facilitate public participation in the preservation movement through service, education and advice; and 3) to acquire and operate historic properties.

Although the National Trust is empowered to accept historic properties and maintain them, it does so only if the properties are fully endowed or self-sustaining. Consequently it now owns and administers only ten properties, among them a wealthy planter's former home on a Louisiana plantation, a small boxy house designed by Frank Lloyd Wright, and the house to which Woodrow Wilson retired in 1921 and where he died in 1924.

The primary role of the National Trust has been to act as the titular and spiritual leader of the American preservation movement, a role it has performed with diligence, skill and success. It has coordinated the activities of diverse local and state preservation organizations and attempted to secure the cooperation and assistance of various branches of the federal government, although in 1966 Congress created the National Advisory Council on Historic Preservation, a government agency, to take over the latter function. The National Trust has served as an information source and clearing house for the preservation movement through its monthly tabloid newspaper, periodicals and special publications, its archives of materials relating to preservation activities, its staff of trained consultants and its conferences, seminars, courses and awards.

Perhaps the National Trust's most valuable contribution has been its efforts to professionalize the preservation movement. It has established criteria for evaluating historic sites and structures worth preserving; it has fostered historic district zoning ordinances; and it has formulated principles and guidelines for historic preservation in the United States.

Detail from the Pension Building frieze.



State Preservation Activities

Many states have demonstrated zeal in advancing preservation efforts; every state has enacted some type of preservation law. Countless state historical parks and museums, such as Hasbrouck House in Newburgh, New York, have been created. As of May 1, 1965 some fourteen states had adopted legislation specifically authorizing the creation of architectural control zones or historic districts.

Some states, including New York, authorize private non-profit historical societies to own historic sites tax-free, and other states authorize private non-profit historical societies to acquire historic properties with state funds. New York also recently established a state preservation agency, the New York State Historic Trust, to acquire historic sites on behalf of the state by appropriation, purchase or gift and to maintain such historic sites as well as sites previously acquired by New York State. The New York State Historic Trust is also authorized to designate particular places, whether or not owned or administered by the state, as places of historic interest and to erect signs or markers to promote public recognition and appreciation of such sites.

Olana. The story of how the New York State Historic

Trust acquired the home of Frederic Church, its first property, bears re-telling as an illustration of how private preservation efforts mesh with governmental programs and how governmental programs ultimately depend upon private initiative.

Frederic Church was one of America's most famous nineteenth century artists. A leader of the so-called Hudson River School of landscape painters, he executed meticulously detailed panoramas of rivers winding their way through broad valleys. In his time these paintings excited the wildest admiration and sold for extravagant prices. With his substantial earnings Church designed and built an exotic castle on a mountain of rock high above the Hudson River, about 125 miles north of New York City, near the spot where Rip Van Winkle supposedly slumbered. Completed in 1872, it was Persian in style and layout with towers, balconies and pavilions. He named it Olana and it was as much a work of art as any of his paintings. Church lived in Olana until he died in 1900.

Private preservation efforts began in 1964, when Church's heirs decided to dispose of the land and the mansion. Even while the contents of the house were being tagged for auction, committees were being rounded up to press for the preservation of Olana. When the preserva-



Olana, the Persian-style castle of the nineteenth-century landscape painter Frederic Church, is now the property of the New York State Historic Trust.



tionists won a temporary reprieve of less than a year, the rescue campaign picked up speed. The goal was to raise \$470,000 to buy Olana and its contents. A coordinating committee was established in New York City with an ancillary assignment of searching out large donations. Reporting to it were many local committees, whose mission it was to arouse citizen interest and raise funds through cake sales, bazaars and the like. To hedge their bet the New York committee persuaded some friendly legislators to introduce a bill in the New York State legislature which would authorize the State to acquire landmarks as state properties.

Wheels were turned and strings were pulled; a smooth public relations campaign began to pay dividends. For example, *Life* magazine published a 16-page spread on Olana under the title "Must this Mansion be Destroyed?" The forces set in motion could not be denied and finally, even though the privately raised funds fell far short of the goal, the bill passed the New York State legislature, adding public money to the private funds collected to purchase Olana for the people of the State of New York. In June, 1967 Olana and its surrounding park-like woodlands were officially opened to the public.

Other New York State Legislation. In 1966 the New York State legislature, distressed at the uninspired architectural design of public buildings currently being constructed, and the forced demolition of older public buildings of architectural merit because of the unavailability of funds with which to rehabilitate them for continued use, authorized grants-in-aid to units of local government for the rehabilitation, renovation and interior

modernization of public buildings of architectural or historic importance constructed prior to 1910.

The legislature also declared that units of local government were "the proper vehicles for accepting gifts of architectural landmarks from private persons for conversion to public use as libraries, town halls, government offices . . ." and authorized grants-in-aid for the conversion and rehabilitation of donated buildings, thereby hoping to encourage communities to solicit gifts of this sort.

A Council on Architecture was created as a state agency to oversee the grant program, accept gifts of funds for furthering its architectural objectives and encourage excellence in the architectural design of new public buildings.

Municipal Preservation Programs

Since Charleston, South Carolina, led the way in 1924, over 70 American cities have adopted some form of preservation law. Most significant among these has been the historic district zoning ordinance.

The historic district approach looks beyond individual buildings to a larger setting. Designation is based on the district having a preponderance of buildings of historical or architectural significance where the relationship of one building to another creates a whole which is greater than its parts. Some districts are characterized by a predominantly uniform architectural style, such as Santa Fe or Beacon Hill, while others derive their charm from the variety of styles and uses, such as Georgetown, Greenwich Village or Russian Hill in San Francisco. Each of these districts, however, provides a complex visual and environmental experience which adds to the pleasure and excitement of city living.

Basically the historic district zoning ordinance imposes architectural controls over the alteration, demolition and construction of buildings within the prescribed area without controlling the use or ownership of the buildings. In order to effectuate the controls, the typical ordinance requires owners to submit their architectural plans to an administrative board, which must issue a permit before the external appearance of the building is changed.

Authority to enact historic zoning ordinances is based upon the power of each state to impose reasonable restrictions upon the activities of individuals in the interest of promoting the general welfare. In defining the general



Built in 1742, the James Brice House in Annapolis, Maryland, is protected by an historic district ordinance.

welfare to be served, most historic district ordinances cite the community's economic interest in promoting tourism. But other interests may also be served, as the United States Supreme Court held in an urban renewal case in 1954:

We do not sit to determine whether a particular . . . project is or is not desirable. The concept of public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. . . . If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way.³

Other legal devices which have been used successfully by municipalities to preserve landmarks include tax incentives, architectural control laws, easements, esthetic zoning, surveys and the establishment of agencies or commissions charged with the responsibilities of designating and protecting local historic and architectural landmarks. The New York City Landmarks Preservation Commission will be examined in some detail in the following chapter as an example of such a commission. The statute pursuant to which the New York City Commission was created will also be examined as an example of the operation of an architectural controls law.

3. *Berman v. Parker*, 348 U.S. 26 (1954).



This charming Federal-style frame house is the oldest building still standing in Brooklyn Heights, New York.



The Gresham House, a Victorian mansion in Galveston, Texas, is a famous architectural landmark. Now owned by the Catholic diocese in that city, it is open to the public as a museum.

Private Preservation Activities

Private preservation groups have saved countless buildings of historic and architectural significance by finding new adaptive uses for the structures and developing sources of financing for purchase and maintenance where necessary.

A technique developed by a private preservation group in Charleston, South Carolina, for reviving older neighborhoods in the downtown area is particularly worthy of note. Private donors have set up a revolving fund administered by the non-profit Historic Charleston Foundation, which buys rundown 19th century houses in a district in the center of Charleston and resells them to individual families at reasonable prices. The buyers then convert the buildings into attractive and habitable residences. The Foundation's original outlay is not always entirely recovered, but whatever money is recovered is used again to buy other properties. The purchaser agrees to abide by a 75-year restrictive covenant pursuant to which any changes in the exterior of the building must be approved by the Foundation. If the owner wishes to sell his house, he notifies the Foundation which then has the right to match any offer to buy that he receives. The result is that

a number of ramshackle, decaying structures in a downtown section of Charleston have been restored to their original charm and dignity by families who will maintain and enjoy them.

The Historic Charleston Foundation technique of buying and renovating structures and then either selling or leasing them to others has also been successfully utilized by profit-making corporations. The rehabilitation and renewal work of these corporations in cities such as Baltimore and Georgetown provides a convincing demonstration that private enterprise preservation can be profitable to landlords and can fulfill a civic purpose at the same time.

One of the most encouraging developments in the preservation field is the growing popularity of townhouse renewal, a form of private urban renewal. In city after city young families are purchasing and renovating old townhouses in out-of-fashion neighborhoods. The collective result is the revitalization of the neighborhood by private renewal efforts. Georgetown, Beacon Hill and Brooklyn Heights, which have been almost completely restored in this manner, have again become gracious and fashionable places to live.

What motivates a young couple to buy an old house in

a decaying neighborhood where crime rates are often high and the quality of the schools low? In the first place, it should be pointed out that the trend to decay is reversed by the influx of new residents. Secondly, remodeled townhouses invariably represent quality housing at reasonable prices. An article in the March, 1969 issue of *Fortune* attributes the popularity of townhouse renewal to the excitement of city living and the accessibility to the job and the city's cultural resources. The rising level of enthusiasm for brownstone renewal in New York City has led to the organization of a Brownstone Revival Committee, which publishes a newsletter and acts as a clearinghouse for information on townhouse neighborhoods, approximate prices of homes and persons to contact regarding homes for sale. The current demand for townhouses in cities such as Boston, New York, Baltimore, Washington, Cincinnati and San Francisco indicates that townhouse renewal has become an important preservation activity.

These privately financed and developed preservation projects bear witness to the fact that, notwithstanding the increased governmental activity in the preservation field, the heart of the landmarks preservation movement is still the initiative of private citizens.

Now a residence for Franciscan brothers, this Romanesque Revival castle in Brooklyn Heights, New York, is reputed to have once served as the headquarters of the local Polly Adler.



3. *The New York City Landmarks Preservation Commission*

As American cities go, New York is one of the oldest. The Dutch West India Company established a trading post on the island of Manhattan in 1626; 40 years later the community had 500 houses and stretched from the tip of Manhattan to a barricade against Indians at Wall Street. By 1763 New York City had blossomed into the most cosmopolitan city in the English colonies with the third largest population. A Loyalist stronghold remaining in British hands during most of the Revolutionary War, New York City was the scene of several major battles and many skirmishes. It became the new nation's first capital after the American Revolution and George Washington took his oath as the first President in New York City in 1789.

Yet in Manhattan today there is not a single building which dates back to the seventeenth century and only nine that date back to the eighteenth century.

The relentless destruction and construction of buildings in New York City has been sporadically interrupted by attempts to preserve the visible evidence of the City's heritage. Some of these attempts have been successful, but only in the last decade or so has an organized, sustained effort been made to evaluate and preserve the City's landmarks. During this period the New York Community Trust, a private organization, initiated a program of mounting bronze plaques on landmark structures. The first complete index of architecturally noteworthy buildings in New York City was published in 1957. In 1962 Mayor Robert F. Wagner appointed a temporary Landmarks Preservation Commission to work with government agencies and private groups to catalog and preserve older landmark buildings. Finally in April, 1965 New York City enacted its first preservation statute.



Window of a Pierrepont Street brownstone in the Brooklyn Heights Historic District.

The passage of the Landmarks Preservation Law in 1965 came none too soon, for even as New York debated whether or not to establish a permanent Commission and what authority it should have, a number of the City's more familiar landmarks were destroyed or marked for demolition. The list of casualties included Pennsylvania Station, the Metropolitan Opera House, the Singer and Guaranty Trust buildings on lower Broadway and the Brokaw mansions. In addition, during this time at least two other landmarks, the Times Tower and the Black Starr building on Fifth Avenue, were transformed by the placement of contemporary facades over the old skeletons.

New York City's Landmarks Preservation Law

The New York City Council enacted the Landmarks Preservation Law⁴ under the authority of a New York State enabling statute⁵ (known as the "Bard Law" in honor of its sponsor, the late Albert S. Bard), which empowers cities to provide for the "protection, enhancement, perpetuation or use [of landmarks], which may include a

4. New York City Charter and Administrative Code, Chapter 8-A.

5. New York State General City Law, §20, Subdivision 25-a.

appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both."

The stated purposes of the Landmarks Preservation Law are to:

- (a) effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- (b) safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements and districts;
- (c) stabilize and improve property values in such districts;
- (d) foster civic pride in the beauty and noble accomplishments of the past;
- (e) protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (f) strengthen the economy of the city; and
- (g) promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.

This legislation not only established the Landmarks Preservation Commission on a permanent footing but also made it responsible for the administration and enforcement of a regulatory statute.

The Commission and its Staff

To insure a professional and representative Commission, the Landmarks Preservation Law provided that the Commissioners, appointed by the Mayor, shall include at least three architects, a historian qualified in the field, a city planner (or a landscape architect), a realtor, and at least one resident of each of the five New York City

boroughs. With the exception of the Chairman, the Commissioners serve without salary.

Appointees to the Commission, by and large, have been men and women distinguished in their fields. Moreover, the Commission and its staff have been and continue to be thoroughly professional; the Commission Chairman is Harmon H. Goldstone, an architect and former member of the City Planning Commission; the Vice Chairman is Geoffrey Platt, also an architect, who rendered distinguished service as the Commission's first Chairman from 1962, when the Commission was unofficially constituted, to 1968; the present Executive Director is Alan Burnham, an architect, scholar and editor of a highly literate handbook titled *New York Landmarks, A Study and Index of Architecturally Notable Structures in Greater New York* (1963). The orientation and performance of the Commission and its staff has fulfilled a recommendation Alan Burnham made in *New York Landmarks*: "Preservation . . . must be kept within the bounds of reason. It should be based on standards of evaluation determined by those best qualified to designate what should be preserved."

The Designation Process

The Commission can designate a structure or site as a landmark and can designate any area of the City which has special character or special historical, esthetic or architectural interest as a historic district. Both types of designations are made only after a public hearing. Designations must be approved by New York City's Board of Estimate, whose membership is composed of elected officials.

The Landmarks Preservation Law permitted the Commission to hold public hearings during the first 18 months of its operation, followed by a 36-month period during which it could not publish a notice of a public

DESIGNATION PROCESS



Interested citizens (or Commission itself) propose designation of building or historic district.



Commission's staff prepares report on architectural and historic significance of building or district.



Commission holds public hearing to consider proposal.

hearing. After this initial period of 54 months, the Commission must sandwich 6 month periods when it may publish notices of public hearings between 36 month periods when it may not. This stop and go approach was adopted after local real estate interests protested that otherwise the Commission could create a cloud over a property at any time by publishing a notice that it wished to hold a public hearing on a possible landmark designation of that property.

Following the hearing, if the Commission decides to designate a building as a landmark, it publishes a report of its findings. These reports contain a brief description of the landmark and offer summary information as to the Commission's findings on the significance of the landmark and the guidelines used in reaching its decision.

The statute was designed to facilitate the identification, designation and protection of important buildings, even, if necessary, at the expense of the owner's interests. Thus, the statute does not require the Commission to consider what hardships the owner of an old building might have to bear if his property is designated a landmark. The owner's interests are relevant only to the Commission's regulation of construction, alteration or demolition of designated buildings. In practice, however, at the designation hearings witnesses frequently refer to the effect of the designation on the value of the property and the Commission does hear testimony on the owner's present use of the building and what other uses might be feasible.

The Commission's Criteria for Preserving Landmarks

Since 1965 the Landmarks Preservation Commission has designated over 270 structures as landmarks and 10 areas as historic districts.

The Landmarks Preservation Law defines a "landmark" as:

Any improvement, any part of which is 30 years old or older, which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a landmark pursuant to the provisions of the Landmarks Preservation Law].

The Commission's "Guide for the Preparation and Presentation of Testimony at Public Hearings of the Landmarks Preservation Commission" suggests additional bases upon which nominated landmarks will be evaluated. These include architectural significance, whether national, regional or local; uniqueness of design; status as the work of a noted architect; its place in the continuity of architectural development in New York City; and special historical associations with individuals or events.

In actuality, once the Commission began to select and designate New York's landmarks, it settled without difficulty on the designation of one hundred or so old structures and sites of high quality which were universally recognized as landmarks. For instance, any 18th century building not in an advanced state of decay was an immediate candidate for designation. As a criterion for preservation, once antiquity is important if all the other buildings of that era have perished.

Other structures had definite historical associations, such as the Edgar Allan Poe cottage in the Bronx and the Hamilton Grange, the home built by Alexander Hamilton and from which he left for his fatal meeting with Aaron Burr on the duelling field at Weehawken, New Jersey. Still other buildings had clear architectural importance or were identified with distinguished architects; examples of this type were the cast iron buildings, City Hall (described



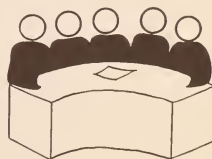
Commission reviews evidence from public hearing and staff report, makes decision to designate (or not to designate), and prepares its own report.



Commission issues its report designating (or not designating) building a landmark or neighborhood an historic district.



Owner notified of designation (or decision not to designate)



Elected officials affirm (or disapprove) designation.

by Burnham in *New York Landmarks* as "an architectural treasure without peer"), and the one building in the City designed by Louis Sullivan. Finally, some structures, such as the New York Public Library on Fifth Avenue at 42nd Street and Columbia University's Low Memorial Library, had been built more or less as public monuments and deserved official recognition as such.

In selecting landmarks, however, the Commission has looked beyond those buildings popularly regarded as landmarks to buildings highly valued by special interest groups, such as historical architects or history buffs. In these cases the building's place in the community's preservation program also figured in the decision-making process.

Following the principle that landmarks are assets to their respective communities, buildings have been designated in each borough on the ground that they were the best existing examples of a particular architectural style or method of construction in that borough or area. In proceeding from borough to borough, however, the Commission has endeavored to apply one set of standards even though some boroughs had a rich heritage of old structures while others had relatively few.

The Commission takes special pride in many of its designations, since they have brought to the public's attention a number of high-quality landmarks which were not widely known and which are omitted from most guidebooks. A striking example of the Commission's ability to uncover buildings worth preserving was its recent designation of the Treadwell Farm Historic District, an area covering both sides of 61st and 62nd Streets between Second and Third Avenues on Manhattan's fashionable East Side. While the houses in the district have been generally admired, few New Yorkers were aware of the architectural excellence and consistent character of this area or the fact that for almost 100 years the neighborhood has been protected by a covenant among property owners which set height, width and construction standards and barred businesses that might disrupt its residential gentility.

Architectural Controls

The purpose of designating a structure as a landmark is to provide the City and interested persons with an opportunity to defend it against the threat of destruction or defacement. The procedure for accomplishing this is quite simple in theory. Once a building has been formally designated a landmark, its owner may not alter, reconstruct or demolish the exterior of the building unless he has first obtained the permission of the Commission in the form of either a permit for minor work, a certificate of appropriateness, a certificate of no exterior effect or a



The Treadwell Farm Historic District is located just a few blocks north of the heart of Manhattan.

notice to proceed authorizing the work desired by the owner.

If the owner does not wish to preserve the landmark, the Commission can require the owner to delay demolition for a period of up to one year while the Commission and other interested parties endeavor to devise a plan for preservation.

In effect, the Commission's control is "skin deep." It cannot regulate the design or use of the building's interior. It cannot order any maintenance or repairs beyond that generally required by the City's buildings, fire and health regulations. It has no authority in historic districts to regulate the height and bulk of buildings or the area of yards, courts and open spaces.

The Jerome Mansion. The razing of the Jerome Mansion in Manhattan, to date the only mortality among the Commission's designated landmarks, illustrates the operation of the statute's architectural controls and the limits of the Commission's authority.

In April, 1965 real estate developers purchased the 100-year-old building from the Manhattan Club, which had occupied it since 1899, and announced plans to tear it down to make way for a skyscraper. A public outcry followed and the Commission held public hearings on the question of whether the Mansion should be designated a landmark. The Commission found:

This handsome residence is one of New York City's finest town houses. It is six stories high with the first two floors of stone, the two floors above of brick trimmed with stone and an imposing two-story Mansard roof. This building is important as one of the first and most distinguished of the French Second Empire Style buildings which were built in large numbers in the United States after the Civil War. The Jerome House is an outstanding example for its time of a great American mansion designed for lavish entertaining. . . .

The building's candidacy as a landmark was further enhanced by the fact that it had been built by the millionaire sportsman, Leonard Jerome, and owned and occupied by Jennie Jerome, the American-born mother of the late Sir Winston Churchill. In November, 1965, landmark designation was granted.

After the Commission's designation was announced, the Manhattan Club, which had not yet surrendered title to the building, sued in the New York Supreme Court to annul the designation. Its lawyers pleaded that the Commission's action amounted to a deprivation of property rights without due process of law and an unconstitutional impairment of the pre-existing contract to sell. The court, however, did not agree. Finding no evidence that the property rights of the Manhattan Club had been unconstitutionally diminished or that the buyers had refused to go through with the deal, it dismissed the suit and upheld the legality of the Commission's designation.

Eventually the building was conveyed to the real estate developers, who then attempted to pursue their plan to demolish the Mansion. Under the statute a landmark owner who seeks to demolish or significantly alter his building must apply to the Commission for permission to do so. In order to obtain such permission, he must satisfy the Commission that at the time he files the request his building and its site are not capable of earning a reasonable return, defined as a net annual return of six percent of the assessed valuation of the building and its site. (Owners of tax-exempt property are subject to different rules which are not discussed in this pamphlet.) The statute provides that "net annual return" shall be that amount which is the excess of earned income yielded by

the property over the operating expenses of the property, excluding mortgage interest and amortization and allowances for obsolescence and reserves, but including a specified allowance for depreciation.

This statutory standard of a reasonable return is the crux of the Landmarks Preservation Law. As long as the owner of a designated landmark is earning the prescribed rate of return, he cannot alter the facade of the landmark and he cannot demolish it without the prior approval of the Commission.

If the Commission determines that the landmark owner cannot realize the prescribed rate of return from his building without alteration or demolition, it next meets with him in an effort to devise a plan for preserving the building. Any such plan must assure the owner of the six percent annual return and, in a provision unique to the New York City statute, may with the approval of the Board of Estimate include the granting of partial or complete tax exemption or the remission of taxes. If a plan cannot be worked out or the owner rejects the plan, the City then has the right to purchase or condemn the property.

As soon as it took an interest in the Jerome Mansion in 1965, the Commission energetically began a search for a new purchaser who would agree to preserve the building. Invoking its authority to delay demolition, it did turn up one willing buyer who subsequently failed to raise sufficient funds to meet the real estate developers' price. Finally the Commission and the owners agreed upon a deadline date of September, 1967, for hunting down a preservation-minded buyer. When that date arrived, the Commission was still empty-handed. The owners then proceeded with their plan to raze the building.

New York City lost the Jerome Mansion because of the economic realities of land use in today's cities, not because of any failure of the statute's controls over demolition. The Jerome property was worth more as a developmental site than a landmark site. What was salvaged out of the Mansion's wreckage, however, was the convincing evidence that the statutory procedures were workable and effective. In this case the Commission had even been able to stretch to two years the limited period of time during which it is authorized to seek a new user for a threatened landmark. Furthermore, the Commission demonstrated that it would treat real estate developers fairly.

As the Jerome Mansion case history indicates, a landmark owner has only two ways to break free of the archi-



The Jerome Mansion, formerly located at Madison Avenue and 26th Street, has the dubious distinction of being the only landmark designated by the New York City Commission which could not be saved from demolition.

tectural controls fastened on him when his building is designated a landmark. Like the Manhattan Club, he can always sell the building to a new owner who must then comply with the controls. Alternatively, the landmark owner can apply to the Commission, as the real estate developers did, for permission to alter or raze the building on the grounds that he cannot derive a sufficient return from the property without altering or demolishing the landmark.

The Commission as Consultant

The Landmarks Preservation Law provides that an owner who wishes to alter, repair or modernize his landmark building must apply to the Commission. If the proposed work will affect the exterior of the building, the Commission must hold a public hearing and determine whether the proposed changes are harmonious with the architecture and character of the building. In practice, however, the Commission has used the technique of prior consultation as an opportunity to confer with the landmark owner in order to arrive at a workable solution to the problem. The Commission can suggest architects to the landmark owner or have its staff meet with the owner's architect and review his plans. In this capacity it functions much like the Internal Revenue Service, which

negotiates with and advises businessmen on the tax consequences of contemplated business ventures. Like most government agencies, the Landmarks Preservation Commission prefers to be in a situation where it can suggest alternatives, rather than a situation where it can only say yes or no.

This open-door policy of the Commission is designed to encourage landmark owners to upgrade their properties. By offering a willing ear and professional guidance, the Commission hopes to demonstrate its interest in assuring voluntary compliance with the law—the foundation of any regulatory program.

The Commission's authority is buttressed by the Landmark Preservation Law's enforcement provisions, ranging from criminal sanctions for altering or demolishing a landmark without the prior consent of the Commission to fines or imprisonment. The Commission may also ask a court to grant a temporary or permanent injunction if a person is about to violate or has violated the statute's provisions with respect to alterations and demolition or the maintenance and repair of the landmark.

The Commission under Attack

Although the Landmarks Preservation Law contains machinery geared to preventing hardship and making fair

ALTERATION PROCESS



Owner of designated landmark (or building within historic district) wishes to alter facade.



Owner informs Commission of his needs and makes tentative proposal.



Architect on Commission staff confers informally with owner and his architect.



Owner and his architect prepare alteration plans.



Commission holds public hearing at which civic-minded groups, neighbors, etc. offer opinions pro and con.



If modifications are required, owner, his architect, and Commission staff hold further conferences.



Commission issues owner a "Certificate of Appropriateness" authorizing alteration of facade.

and equitable adjustments between the private needs of the landmark owner and the public need to protect the landmark, nevertheless it has been the object of vigorous and continued attack by landmark owners. Property owners often have appeared at Commission hearings to oppose designation of their structures as landmarks. After designation, several owners, anxious to tear down what they deem to be inefficient relics of the past, have brought suit against the Commission.

Those who oppose the Commission argue that the imposition of controls and restrictions on a landmark owner restrains his right to improve or change the use of his private property and, in the event that he attempts to sell his landmark property, causes the market value to be substantially less than what it would otherwise be if there were no controls or restrictions affecting the property.

This argument raises the fundamental question inherent in any landmarks preservation statute, namely, to what extent can a government commission make designations that affect property values and regulate property use without being guilty of an unconstitutional "taking" of

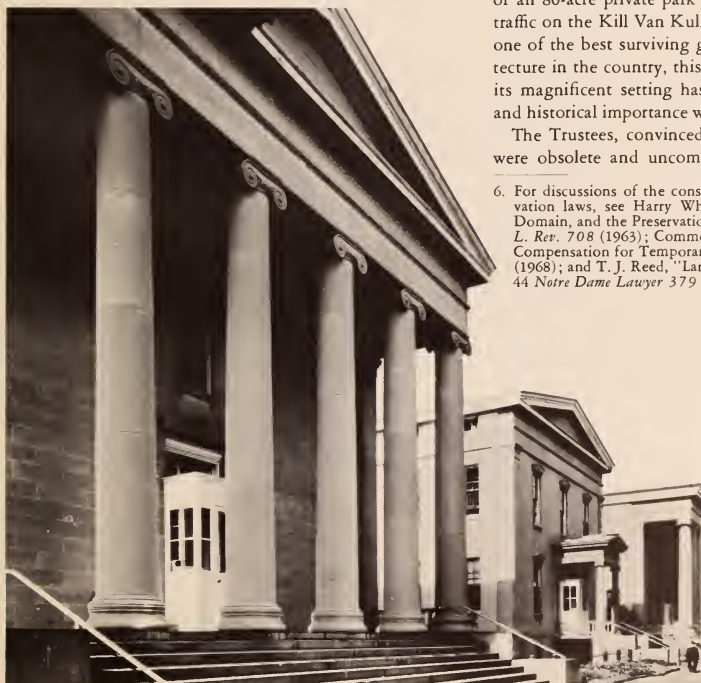
the property without just compensation? Courts have recognized that it is not unreasonable to impose a burden upon a property owner for the benefit of the community, but if this burden becomes unduly heavy, the community is required to compensate the individual for the rights or property it thus acquires.⁶

It is noteworthy that several courts have been asked to declare that the Landmarks Preservation Law has been unconstitutionally applied by the Landmarks Preservation Commission. To date, however, the Commission and the Landmarks Preservation Law have been upheld by the courts, although the Commission did suffer a short-lived setback as the result of a lawsuit brought by the Trustees of Sailors' Snug Harbor.

The Sailors' Snug Harbor Case. Sailors' Snug Harbor is a charitable institution established to care for "aged, decrepit and worn-out" seamen under the terms of the will of a sea captain who died in 1801. For this purpose, between the years 1830 and 1880 the institution's Trustees erected on Staten Island a row of five buildings, consisting of four dormitories and an administration building, in the Greek Revival style. Today these imitation temples, together with a chapel and other buildings, sit in the midst of an 80-acre private park overlooking the heavy marine traffic on the Kill Van Kull and in New York Harbor. As one of the best surviving groups of Greek Revival architecture in the country, this row of grandiose buildings in its magnificent setting has an indisputable architectural and historical importance which qualifies it as a landmark.

The Trustees, convinced that the dormitory buildings were obsolete and uncomfortable for the two hundred

6. For discussions of the constitutional issues underlying preservation laws, see Harry White, "The Police Power, Eminent Domain, and the Preservation of Historic Property," 63 *Colum. L. Rev.* 708 (1963); Comment, "Landmark Preservation Laws: Compensation for Temporary Taking," 35 *U. Chi. L. Rev.* 362 (1968); and T. J. Reed, "Land Use Controls in Historic Areas," 44 *Notre Dame Lawyer* 379 (1969).



Sailors' Snug Harbor, a home for retired seamen on Staten Island, has been the subject of a lawsuit challenging the New York City Commission's authority.



The Astor Library—a preservation success story.

elderly men living there, precipitated a conflict with the Commission with the announcement of plans in 1965 to tear down the four landmark dormitories after constructing modern structures to house the seamen.

The Commission, not surprisingly, moved to block the planned demolition by endowing the row of Greek Revival buildings with landmark status. The Trustees retaliated by filing suit to have the designation set aside. Their contentions were twofold: first, that the public took no interest in the old structures as evidenced by the fact that few came to visit, and second, that the needs of the seamen must outweigh in any case whatever architectural merit the buildings possessed. As a former President of the Board of Trustees argued, "In furthering the City's good, is not the care of people to be put above the care of buildings?"

The "balancing" argument prevailed in the lower court, which ruled in favor of the Trustees and removed the landmark designation from Sailors' Snug Harbor.

The Appellate Division of the New York State Supreme Court, however, reinstated the designation pending the resolution of certain factual issues.⁷ More significantly, it established for the first time some general guidelines for deciding when the designation of tax-exempt property as a landmark constitutes an undue burden on the property owner. In the case of commercial property, the criterion for determining whether the Commission's regulation constitutes an unreasonable burden on the owner is whether or not the continuance of the landmark status prevents the owner from obtaining a reasonable return on his investment. The Appellate Division declared that "a comparable test for a charity would be where maintenance of the landmark either physically or financially prevents or seriously interferes with carrying out the charitable purpose." With respect to Sailors' Snug Harbor, the Appellate Division pointed out that a court in determining

whether this test was met would have to resolve such subsidiary questions as whether the preservation of the landmark buildings would seriously interfere with the use of the 80-acre site on which they are located, whether the buildings could be converted to a useful purpose without excessive cost and whether the cost of maintaining them as idle facilities would entail serious expenditure.

Thus one function of the Landmarks Preservation Law is to compel the landmark owner to examine the possibilities of reconciling the public interest in preservation with his private interest in developing his property. The Appellate Division in effect suggested to the Trustees that they explore alternatives to their proposed demolition plan which would be consistent with the landmark values of the existing buildings. Underlying the Court's opinion was the idea that if the cost of an alternative plan which assured preservation is not excessive, then the Trustees should be asked to bear it in the public interest.

The New York City Commission: An Evaluation

The New York City Landmarks Preservation Commission is armed with some of the broadest powers of any governmental or quasi-governmental preservation agency in the country. Staffed by highly competent professionals, it is imbued with an admirable missionary zeal. Perhaps most important from the point of view of a new and potentially controversial government agency, it has enjoyed a most auspicious beginning.

Astor Library. An important element in establishing the Commission's early reputation as an effective, constructive agency was its notable success in rescuing the Astor Library. Constructed in the 1850's, the ornate Italianate structure was for many years one of New York's most celebrated cultural and architectural landmarks. But by 1966 the Astor Library was empty and its surrounding neighborhood was deteriorating. When the building's last occupant, an immigrant aid society, sold the property to real estate developers under a contract calling for its demolition and replacement by an apartment house, the proud old building appeared doomed. Efforts to locate a preservationist buyer had failed. The grand design of the old Victorian structure made adaptation to a new use difficult and potential purchasers were also inhibited by its stagnating neighborhood. The pattern of events which presaged the destruction of earlier landmarks was repeating itself.

The Commission then stepped in. Even before the required public hearing, it met with the buyer and seller to explore possible ways to save the building. No solution was forthcoming but the Commission did persuade the

7. 288 N. Y. Supp. 2d 314 (1968).

buyer to delay the impending demolition while it searched for a preservation-minded buyer. Since the Commission had no legal authority prior to formal designation to forestall demolition, this agreement was a triumph of diplomacy. One month later, while its staff searched for a suitable buyer, the Commission added the Astor Library to its list of New York City landmarks.

Happily for New York City and the Astor Library, the Commission found a preservation-minded buyer in the New York Shakespeare Festival, which needed a permanent home. The community benefits of the marriage of the Astor Library and the Shakespeare Festival are substantial. A significant landmark has been refurbished and adapted for contemporary use. The Shakespeare Festival, which has become one of the City's most popular summer events, now has a unique and distinctive year-round home equipped with an intimate theater and ample rehearsal and future expansion space. Its presence has attracted visitors and in time should attract new residents to the neighborhood, thereby increasing property

values, contributing to a sense of community pride and hopefully stimulating a neighborhood renaissance.

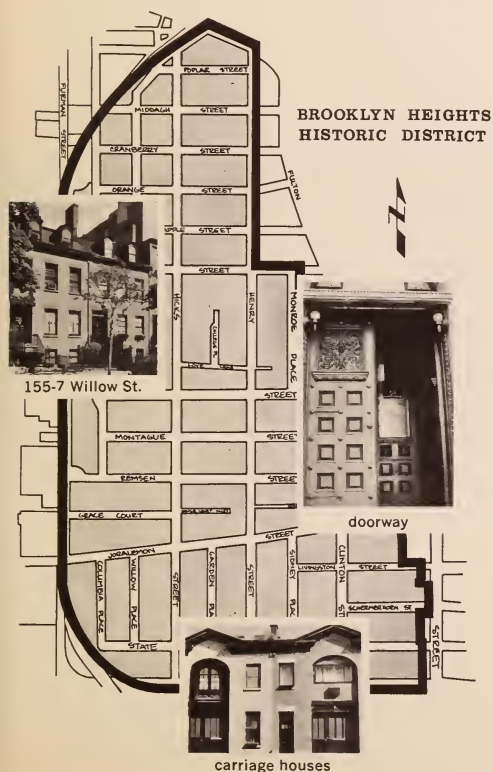
With this spectacular success the Commission demonstrated that it could effectuate the public interest and that it could accomplish that end without imposing unwanted solutions on the private owner.

Historic Districts. One of the most important preservation tools used by the Commission has been the historic district designation. A Special Committee on Historic Preservation, sponsored by the United States Conference of Mayors, declared in 1966 that "preservation must look beyond the individual building and individual landmark and concern itself with the historic and architecturally valued areas and districts which contain a special meaning for the community." The Commission has been following this prescription. Through its historic district program it has selected ten neighborhoods having an interesting history or outstanding architecture and defined their boundaries and has helped to develop a sense of community and identification among the residents of the districts.

One of the first actions taken by the Commission after its permanent establishment was the designation of Brooklyn Heights as an historic district. Situated on a bluff across the East River from Wall Street, this section of Brooklyn constitutes a remarkable community of individual residences and apartments which retain to a high degree the integrity of their original architecture. Brooklyn Heights became one of New York City's first residential suburbs when steam-propelled ferries came into use, and of the approximately 1300 structures in the district, at least half were built before the Civil War and most before the turn of the century. The stately brick and brownstone houses of generally uniform height, arrayed on tree-lined streets with colorful names like Cranberry, Middagh, Pierrepont and Joralemon, create an atmosphere and character which no single landmark structure could provide. The individual buildings and their setting combine to produce the rare charm and special value of the district.

One advantage of the historic district designation is that each has created a constituency for the New York City Commission. The residents of Brooklyn Heights, for example, enthusiastically supported its designation in 1965 and since then have worked with the Commission to preserve the area and insure that building alterations and new construction conform to the style and spirit of the neighborhood. Through the historic district approach the Commission has been able to develop a community appreciation of the values of preservation.

The Brooklyn Heights Historic District as designated by the New York City Commission.



The Future

The key to a continuing preservation program is not only the cultivation of a market of new users but also the wooing of the present owners. Potential buyers for threatened landmarks tend to be scarce, as demonstrated by the fate of the Jerome Mansion. The Commission must work closely with the owners of designated buildings, convincing them of the value of their buildings and assisting them whenever alterations or repairs are required. Instituting a system of periodic contacts with these owners might prove very useful in this regard.

In the last decade the public attitude toward protecting the tangible legacies of the past has undergone a change and this change made possible the New York City Landmarks Preservation Commission. Now the Commission must exploit the attitudes that motivated its creation by spreading the word. The Commission has an educational function to perform both with the owners of landmarks and in the community at large, for the public is generally unaware of its landmarks.

As a first step, the Commission needs to expand its public relations efforts. It should go beyond marking its designated buildings with informative plaques. The Commission should organize school programs and photographic displays and establish a speakers' bureau. Greater public consciousness of our architectural and historical

heritage, graphically represented by landmarks, must be developed; the Commission should act as the mind-expander. If the preservation movement is to succeed on a broad scale, more members of the community must understand and appreciate the values of preservation.

The Brooklyn Central Post Office, constructed between 1885 and 1891, provides a special measure of delight in downtown Brooklyn because of its style, temperament and open setting.



4. Elements of an Effective Preservation Program

Preservation, like charity, should begin at home. It is the responsibility of every community to initiate and implement a program to preserve its heritage of history and architecture.

This chapter will examine the general elements of an effective preservation program.

Identification of Landmarks

For the same reasons that a seasoned field commander prepares detailed maps before embarking on a military campaign, the first step in any landmarks preservation program is to make a survey of the significant structures in the area.

Surveying begins with developing criteria for evaluating historic sites and buildings. Of particular interest in this regard is the 1959 Demonstration Study of Historic Area Renewal for College Hill in Providence, Rhode Island. Each building in the area surveyed was scored on a point system as to historical significance (national, state or community), architectural significance as an example of its style, importance to the neighborhood, desecration of original design, physical condition and intrusion on the neighborhood. Scores were then compiled and buildings assigned preservation priorities. The study was also used to draw historic district boundaries, guide private preservation efforts and institutional expansion, determine areas for urban renewal clearance or rehabilitation and arouse general community interest.

In each community there must be both a desire to preserve and an awareness of what should be preserved. These ends can be promoted by giving public recognition



The handsome Willard Hotel in Washington, D. C., is one of many landmarks reported to be in danger of demolition.

to the community's landmarks. The observations made in a pamphlet published by the Museum of the City of New York in 1960 are relevant to every American city:

New York, like an iceberg, is nine-tenths unobserved. Tourists skim its surface hastily; New Yorkers themselves often see even less, passing the same buildings day after day without really noticing them, unaware of their character and ornament and of the colorful history which flavors each street and statue.

Part of the answer to the problem lies in a systematic evaluation and conspicuous identification of the community's landmarks.

Citizens Preservation Organizations

The success of any comprehensive, city-wide preservation program will ultimately depend upon the degree of support it can muster from civic-minded persons and groups. In some communities this support will come from existing organizations such as historical societies, women's clubs, bar associations, local chapters of the American Institute of Architects and neighborhood improvement associations. In others it will have to be created by

the development of new organizations cognizant of the community's needs and preservation problems.

The functions of preservation-minded organizations will vary widely. Initially, they may limit themselves to encouraging the work of others involved in preservation. Or they may become directly involved themselves, protecting threatened buildings and districts, coordinating fund-raising efforts and seeking buyers who will preserve and restore the community's heritage of landmark structures. As their ambitions grow, they will probably find it

which might be organized around the following concerns common to any preservation group.

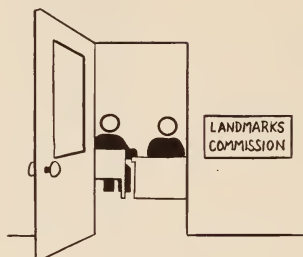
(a) **Historical and Architectural Survey.** The identification of structures worthy of preservation is the essential first step in any preservation program. Since improper designation can discredit the entire effort, this task should be entrusted only to highly qualified architects and historians.

(b) **Legislation.** Lobbying with legislatures and city

PRESERVATION PROCESS



Owner of designated building finds it obsolete or not providing fair return—wants to tear it down.



Owner notifies Commission of his intention to demolish building.



And waits until Commission and other interested persons have exhausted time in which to find a preservation-minded buyer.



Owner and preservation-minded buyer undertake negotiations.



If negotiations succeed, building is saved.



But if negotiations fail and the Commission's time to find other preservation-minded buyers runs out, owner may demolish landmark.

necessary to organize on a city-wide basis and to press for the creation of a municipal landmarks commission with broad enforcement powers.

A large preservation organization undertaking a comprehensive, city-wide program of preservation activities will include in its membership persons with diverse interests such as attorneys, architects, historians, museum personnel, educators and real estate agents. The most effective way to marshal the available talent, knowledge, energy, influence and wealth in support of the group's many goals will be to create specific working committees,

councils and dealing with administrative agencies are important components of a preservation program. To comprehend the hundreds of relevant state and municipal laws, ordinances, regulations dealing with zoning, building specifications and safety hazards, contracts, etc., the organization should enlist the best available legal talent.

(c) **Municipal Programs.** Continual liaison with municipal agencies involved with city planning, urban renewal, slum clearance, building inspection and community development will be required to

keep public officials informed and to assure the preservation organization of early warning of city actions which might endanger landmarks and historic districts.

- (d) **Institutional Activities.** Since many landmarks are owned by public or private institutions such as universities, hospitals and churches, the needs and plans of these organizations cannot be overlooked. In addition, these institutions may be potential buyers.
- (e) **Private Investment.** The development of esthetically pleasing districts can be profitable to businessmen and realtors, while the purchase of a landmark for office space can enhance the prestige of an organization. Hence preservation-minded groups may find it advisable to maintain lists of landmark properties for sale or rent, circularize potential investors with literature or solicit them directly or through intermediaries.
- (f) **Rehabilitation and Restoration.** Landmarks and attractive buildings are frequently defaced out of ignorance. To encourage integrity and quality in preservation, a committee might maintain lists of capable architects, builders and artisans willing to undertake this type of work and might disseminate information on restoration techniques, materials and costs.
- (g) **Information and Education.** The effectiveness of preservation programs may well depend upon the amount of publicity they receive, while the maintenance of public support for preservation as a goal and for the citizens' organization as a means to that goal will depend upon a continuing educational campaign. To promote public education and support, the use of press releases, newsletters and speakers before community groups may be appropriate.

This list does not exhaust all possible topics for concern. Nor will it provide a blueprint from which a preservation organization can immediately structure itself. But the list should suggest how a citizens' organization can be in a better position to win public support for a comprehensive preservation program and accomplish its purposes.

Municipal Preservation Commission

A successful landmarks preservation effort demands the creation of a local governmental agency or commission to oversee and promote municipal preservation

activities and administer preservation laws. As a minimum, this commission must be empowered to regulate construction and demolition activity and enforce zoning and architectural controls. It may also be empowered to acquire landmark structures through the exercise of the power of eminent domain, should that alternative become desirable.

New York City's experience proves this point. Because of the furious building pace and the scarcity of undeveloped land in the City, old buildings must make way for the new. Yet in this culturally oriented and cosmopolitan City, preservation efforts were loosely organized, often ineffective and narrowly focused until the creation of the Landmarks Preservation Commission.

If preservation is championed by a governmental commission, that agency can make its weight felt in city offices dealing with areas such as zoning, highways and housing, and in city planning programs. In addition, municipal commissions can also qualify as recipients of federal and state grants for preservation purposes, take an active lead in formulating and administering preservation policies, and cajole, persuade, assist and negotiate with landmark owners. Its involvement adds legitimacy for the average owner of a landmark, who is more likely to respect a landmark designation if it bears the official imprimatur of the city, especially when the municipal commission is staffed by professionals.

A municipal preservation commission should also be

Drawing by Alan Dunn; © (1966)
The New Yorker Magazine, Inc.



"Leave it to the Landmarks Commission!
They think of everything!"

empowered to act as the public's surrogate in emphasizing the place of historic and esthetic values in the planning, design and development of the city. This function might include reviewing and reporting on what should be saved in each of the city's urban renewal sites. It might also encompass a joint effort by the municipal preservation commission and an urban renewal agency to select and designate urban renewal sites for the express purpose of preserving and restoring the areas.

Forms of Economic Relief for Landmark Owners

It is vital that we develop new approaches and new techniques in the preservation field to solve preservation problems in a manner which accommodates the interests of the landmark owner with those of the community. As one observer has noted, "Preservation involves a close and difficult balancing of public necessity and private interest."

From the point of view of the landmark owner, this balance cannot be struck successfully unless he is compensated for his economic loss to the extent that he is deprived of his right to use the property as he sees fit and as a consequence suffers economic hardship. At the minimum, the landmark owner needs support in some

The City Hall in Binghamton, N. Y.—an architectural landmark which confers an image of permanence and dignity.



form to resist the economic pressures to demolish and replace the landmark.

If the preservation movement relies on architectural controls and zoning restrictions alone without making some form of economic relief available, it will create a class of buildings which will be shunned like lepers and which will fall into decay, rather than be preserved for future generations to enjoy.

Compensation through the Tax Laws. One method of compensation, which amounts to an indirect public subsidy, is by means of the tax laws. Although not capable of application to tax-exempt landmark owners, a system of tax incentives provides a number of advantages for assisting landmark owners who otherwise could not or would not preserve their landmarks. For example, tax benefits can be immediately reaped without having to unravel red tape or wait for subsidy payments or grants to be authorized and paid. Tax incentives can be formulated by elected officials after public debate and applied categorically, rather than on an individual basis. The tax laws already encourage the landmark owner to donate his property to a non-profit institution or government agency by allowing him a charitable deduction for the value of his landmark property if he does so; as a matter of public policy the tax laws should also encourage him to retain and maintain the property as a public landmark and in fact several municipalities and the Commonwealth of Puerto Rico have adapted their statutes to this purpose.

Landmark owners can be granted exemptions or abatements from the real estate taxes they otherwise would pay; New York City now follows this approach. Another possibility is to allow landmark owners to deduct from their income taxes the costs of preservation and restoration. Perhaps a new "public monument tax credit" could be created. More study is needed to develop and define additional tax incentives. They offer a most promising method of compensation.

Great Britain's "Country House Scheme" offers another intriguing approach to the problem of compensation through the tax laws. Under this scheme the landmark owner may give his property together with an endowment fund to a private organization similar to our National Trust for Historic Preservation. This organization then permits the donor and his heirs to live in the house, rent-free, provided that they allow public access to the property and the main rooms of the house on a certain number of days each year. The property and the endowment fund are not liable for death duties and the income from the endowment fund is not subject to any income tax. This scheme would be entirely feasible for certain types of landmarks in the United States.

Compensation through the Use of Credit. Tax incentives will afford little comfort to the tax-exempt land-



The Old Boston City Hall, constructed between 1862 and 1865, and the New Boston City Hall, completed in 1969. Both landmarks are superior public buildings which convey the spirit and values of their respective eras.

mark owner and the owner of a commercial landmark structure which no longer suits his purposes. In those situations the preservation restrictions are likely to become onerous when the building owner decides to raze the landmark and build a replacement structure or to sell it and apply the funds toward the purchase or construction of a newer structure. At this point, on condition that the landmark is preserved, the community might extend the owner ample financial credit to enable him to purchase a new site, construct a new building and occupy it, or modernize the interior of the present landmark structure, under terms more favorable than would otherwise be available.

For this purpose a federal or state credit agency could be established which would extend credit upon the certification of a preservation agency or commission. That agency or commission would have to be empowered to establish conditions for preserving the landmark. Alternatively, a federal or state agency could guarantee commercial bank loans to landmark owners. A government guarantee would permit the commercial bank to make its loans at lower rates. This latter proposal avoids the necessity of placing additional demands on already strained governmental budgets. The use of credit or a guarantee as a form of compensation offers a new approach to preservation which merits further exploration.

Compensation through the Sale of Air Rights. Another promising compensation technique is based on the transferability of the right to develop the air space over a piece of real estate. It involves adopting an ordinance authorizing the sale and transfer of the landmark prop-

erty's unused air rights to the owner of a neighboring property.

New York City implemented this technique in 1968 by an amendment to its zoning laws which permits a landmark owner to transfer his unused air rights at whatever price he can obtain to the owner of an adjoining parcel, who can then construct a bigger and more profitable building than the zoning laws would otherwise permit. The transfer of air rights is irrevocable; if the landmark's designation is removed or the landmark is destroyed, the landmark lot can only be developed up to the amount of area as reduced by the transfer. Although the landmark owner can sell 100% of his unused air rights, the size of the building on the adjacent lot cannot be increased more than 20%. This could mean that the air rights might be transferred to the owners of several adjacent sites.

This imaginative approach to compensation concedes the economic facts of urban real estate and allows the landmark owner to realize a monetary benefit from the rising property values in his neighborhood. At the same time it assures the community that when such a transfer of air rights has been made, no future developer will be able to erect a building on stilts directly above the landmark. As improbable as this prospect may seem, such an arrangement may soon come to pass in mid-town Manhattan. The owners of Grand Central Terminal recently leased their rights to the space above the railroad station to a group of real estate speculators who plan to fill it with a 55-story office building. Technically, the landmark will be preserved; visually, it will be crushed into insignificance.

The transfer of air rights also holds promise as an urban planning device. Under the New York City law the landmark owner's application to the City Planning Commission for a permit to transfer air rights must include a program for the continued maintenance of the landmark and must be accompanied by a report from the Landmarks Preservation Commission. The City Planning Commission exercises control over the transfer of air rights and the size and design of the building that utilizes those rights. Thus, a sale and transfer of air rights not only will provide assistance in making a landmark economically self-preserving but also will provide qualified professionals with an opportunity to plan the surrounding environment.

Needed: An Antidote to Apathy

As we build the cities of tomorrow we must hold onto the best buildings of yesterday, for the past is a reference point for the future. In today's urban environment in which individuals tend to become rootless and alienated, a landmark building functions as an anchor and orien-

tation point to which in later years each of us can return with a conviction of belonging and with a confidence that there are enduring values.

Today an announcement that another fine old structure will be torn down to make way for a high rise tower brings an all too familiar reaction. There are polite laments for the passing of part of our heritage and an acknowledgment of the economic laws of survival. In Samuel Beckett's play, *Waiting for Godot*, the two tramps who wait for the arrival of Mr. Godot express the same attitude as they persuade one another that whatever will happen is inevitable:

Vladimir: Nothing you can do about it.

Estragon: No use struggling.

Vladimir: One is what one is.

Estragon: No use wriggling.

Vladimir: The essential doesn't change.

Estragon: Nothing to be done.

And yet, as this pamphlet documents, *something can be done. Landmarks can be saved. Destruction is not inevitable.* Technical skill, legal authority and even money are available. All we need is the commitment.

Appendix: Where To Go For Assistance

THE NATIONAL TRUST FOR HISTORIC PRESERVATION

The National Trust for Historic Preservation, which serves as an information clearinghouse, will answer inquiries and requests for assistance. It also makes available (for \$2.00) a directory of its member organizations, which include over 1,000 preservation groups, historical societies, libraries and business corporations. The National Trust's address is 748 Jackson Place, N. W., Washington, D.C. 20006.

Requests for assistance from the federal government should be directed to the Department of Housing and Urban Development or the Department of the Interior, depending upon the federal program involved. The federal government's preservation programs are summarized below.

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1626 K Street N.W., Washington, D.C. 20410

1. **Grants for Historic Preservation:** Under Section 709 of the Housing Act of 1961, as amended, the Department provides grants of matching funds to states or local public bodies of up to half the cost of acquiring, restoring and improving sites, structures and areas of historic and architectural significance in urban areas.
2. **Urban Planning Grants:** The Department makes urban planning grants to be used for surveys of structures and sites of historic or architectural significance in order to identify such structures and sites, determine the cost of their rehabilitation and restoration and to provide related information. The grant may cover up to two-thirds of the cost of the survey and is made to the appropriate planning agency or in certain circumstances directly to a city or municipality.
3. **Demonstration Grants:** In order to develop, test and demonstrate methods and materials for restoring and improving landmark sites and structures, the Department is authorized to make demonstration grants to public bodies to cover up to two-thirds of the cost of a demonstration project.
4. **Urban Renewal Projects:** Localities may use urban renewal project funds to develop plans to preserve sites and structures of historic or architectural value in a designated urban renewal area, to acquire and restore such sites and structures and to relocate structures on sites within, or outside of, the urban renewal area.
5. **Urban Beautification Program:** The Department assists in beautifying the setting of public historic sites by providing up to half of the increased cost of such a program over what the locality ordinarily spends on comparable activities.
6. **Open Space Land Grants:** Public bodies may obtain grants covering up to half the cost of acquiring and developing, for park use, land which has historic value or upon which historic structures are located.

7. **Grants to National Trust for Historic Preservation:** The Department makes grants to the National Trust for Historic Preservation to cover the costs of renovating or restoring structures for later maintenance by the National Trust. Grants are limited to \$90,000 for each structure.

8. **Rehabilitation Grants:** The Department may make available loans and grants for the rehabilitation and improvement of substandard and deteriorating structures in demonstration or urban renewal projects. Strictly speaking, these are not grants for preservation purposes but rather to make the structure habitable and marketable.

9. **Technical Assistance:** To promote preservation projects the Department is authorized to provide technical assistance to states and local public bodies and to undertake such studies as it deems desirable.

THE DEPARTMENT OF THE INTERIOR Washington, D. C. 20240

1. **Matching Grants-in-Aid:** The Department of the Interior is authorized to make matching grants-in-aid to states for preservation projects and to the National Trust for Historic Preservation for carrying out its responsibilities. Grants may not cover more than half of the total cost of the project.
2. **Survey Grants:** The Department is authorized to provide grant funds to states for the purpose of preparing comprehensive statewide historic surveys and plans for the preservation, acquisition and development of properties significant in American history, architecture, archeology and culture. Grants may not cover more than half of the total cost of the project.
3. **National Register:** The Department maintains the National Register, a listing of the sites and structures of national, state and local significance. After a property has been included in the National Register, any federal agency such as an urban renewal agency, before it authorizes the expenditure of any federal money on a project, must take into account the effect of that project on the National Register property.
4. **National Park Service Programs:** As the custodian of national parks and monuments, the National Park Service carries on programs to preserve sites and structures of historic, pre-historic, architectural, archeological and cultural significance. It also conducts interpretative, informational and investigative programs.
5. **Historic American Buildings Survey:** The Office of Archeology and Historic Preservation of the National Park Service is responsible for this long-range program to assemble an archive of American architecture and historic monuments.

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Martin Linsey: page 2.

South Street Seaport: page 4-top.

New York State Historic Trust: page 11 (John Korbach).

Christopher H. Pyle: pages 16-17, 20 and 26.

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Christopher H. Pyle executed the pen and ink drawings appearing on pages 16-17, 20 and 26, and assisted with the editing and production of this pamphlet. A graduate of Bowdoin College and Columbia Law School, he is studying for his doctorate in political science at Columbia University.

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ABOUT THE BACK COVER ILLUSTRATION

The photograph on the back cover shows the grotesque stone gargoyles that decorate the roof of the Hotel Pierrepont in Brooklyn Heights, New York. Carved figures such as these birds are associated with Gothic-style architecture.



"There is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our past history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas." Congressional Declaration in the Model Cities Act (1966).

This pamphlet is a primer on the subject of landmark preservation. It explains the importance of saving landmarks, traces the growth of the landmarks preservation movement and sets forth the elements of an effective community preservation program. It also discusses New York City's Landmarks Preservation Commission and the law under which it operates as an example of what can be done on the municipal level to rescue landmarks from needless defacement or destruction and to preserve the character and charm of historic districts. The aim of the pamphlet is to persuade concerned citizens that landmark structures from the past can and must be saved for the sake of the future.

CITIZENS UNION RESEARCH FOUNDATION, INC.

Citizens Union Research Foundation, Inc. of the City of New York is a non-profit organization established in 1948 to study and report to the public on issues concerning urban areas.